

APPEAL NO. 032476
FILED NOVEMBER 6, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 25, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury does include the diagnosis of right hand carpal tunnel syndrome (CTS) and right thumb trigger finger. The appellant (carrier) appealed, asserting that the hearing officer's determination is wrong and against the great weight of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed, as reformed.

We reform Finding of Fact No. 2 to read: "The nail puncture injury to the claimant's right thumb on _____, caused thenar edema, causing pressure on the median nerve resulting in right carpal tunnel syndrome and right thumb trigger finger." We reform Finding of Fact No. 3 to read: "The claimant's right carpal tunnel syndrome and right thumb trigger finger are conditions that naturally flowed from the nail puncture injury to his right thumb." Such language is consistent with the stated issue, the Statement of the Evidence, and Conclusion of Law No. 3.

The issue in the case before us was one of extent of injury. The claimant had the burden to prove that the compensable nail puncture injury to the right thumb extends to right hand CTS and right thumb trigger finger. There is conflicting evidence in this case. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). An appellate body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its judgment for that of the trier of fact, even if the evidence would support a different result. Texas Workers' Compensation Commission Appeal No. 950084, decided February 28, 1995. Our review of the record reveals that the hearing officer's extent-of-injury determination is supported by sufficient evidence and is not so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed as reformed.

The true corporate name of the insurance carrier is **NORTH AMERICAN SPECIALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge